

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESHAWN SMITH,

Plaintiff,

v.

UNKNOWN BRECHEISEN, et al.,

Defendants.

Case No. 1:17-cv-1122

HON. JANET T. NEFF

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ORDER

This is a prisoner civil rights action. Defendants filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 7, 2019, recommending that this Court grant in part and deny in part the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 33) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 23) is GRANTED IN PART AND DENIED IN PART. Specifically, Plaintiff's claims are dismissed for failure to exhaust administrative remedies except for the following claims: (1) Plaintiff's claim that on November 30, 2016, Defendant Brecheisen violated his Eighth Amendment rights when he refused Plaintiff's request to go to Health Care for treatment of his burn; (2) Plaintiff's claim

that Defendant Vining subjected him to unlawful retaliation on December 19, 2016; and (3) Plaintiff's claim that Defendant Riley unlawfully retaliated against him on December 29, 2016.

Dated: February 5, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge